

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

WALTER WM. BOYD, SR.,)	
)	
Plaintiff)	Civil Action No. 04 - 206
)	
v.)	
)	Judge Donetta W. Ambrose /
T. IMHOFF, Correction Officer;)	Magistrate Judge Lisa Pupo Lenihan
GEORGE MESAROS; EDWARD)	
PAVLICK; CAPTAIN COAL, Examiner;)	
and JEFFREY BEARD,)	
)	
Defendants.)	

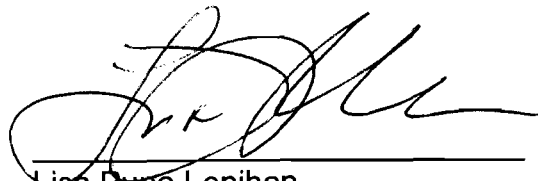
ORDER

The Defendants in the above captioned case filed a Motion to Dismiss on July 18, 2005. Plaintiff filed a response on August 2, 2005. The Court is currently conducting research for the report to the district judge that will recommend whether the motion should be granted or denied. Because this potentially dispositive motion may render the discovery process moot, Plaintiff's pending discovery motions were denied without prejudice by this Court on September 26, 2005. Should any claims survive the motion to dismiss, Plaintiff may refile those motions as well as this motion. Therefore,

IT IS HEREBY ORDERED this 6th day of December, 2005, that Plaintiff's Motion to Compel Discovery filed November 21, 2005 is **DENIED** without prejudice.

IT IS FURTHER ORDERED that Plaintiff is not to file any further discovery motions until after the pending motion to dismiss has been decided.

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

A handwritten signature in black ink, appearing to read 'Lisa Pupo Lenihan', written over a horizontal line.

Lisa Pupo Lenihan
United States Magistrate Judge

cc: WALTER WM. BOYD, SR.
EA-6059
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